

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO DIVISION

In re: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION

Master File No. 3:07-cv-05944-JST (N.D. Cal)

MDL No. 1917

This Document Relates to:

*Sears, Roebuck and Co. and Kmart Corp. v.
Chunghwa Picture Tubes, Ltd.*, No. 11-cv-
05514

**[PROPOSED] ORDER TO SHOW CAUSE
ADOPTING PROCEDURE TO RESOLVE
PROTECTIVE ORDER ISSUES
PRETRIAL**

**[Joint Administrative Motion and
Stipulation Filed Concurrently Herewith]**

Judge: Hon. Jon S. Tigar
Court: Courtroom 9, 19th Floor

MDL No. 1917

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**[PROPOSED] ORDER TO SHOW CAUSE ADOPTING PROCEDURE TO RESOLVE PROTECTIVE ORDER
ISSUES PRETRIAL**

1 Upon consideration of the Joint Administrative Motion for Adoption of Procedure to
2 Resolve Protective Order Issues Pretrial, it is hereby:

3 ORDERED that the motion is granted; and it is further

4 ORDERED that the Court adopts the procedure set forth below for the resolution of
5 protective order issues pretrial:

6 Within two (2) days of the entry of this Order, the parties to *Sears, Roebuck and Co. and*
7 *Kmart Corp. v. Chunghwa Picture Tubes, Ltd.*, No. 11-cv-05514 shall file with this Court lists of
8 the exhibits, witness lists, written discovery designations, and other material disclosed by
9 Plaintiffs Sears, Roebuck and Co. and Kmart Corporation (“Plaintiffs”) and Defendant LG
10 Electronics, Inc. (“LGE”), for trial in this action (the “Sears/Kmart trial”). Some of the materials
11 listed in the pretrial disclosures have been designated “Confidential” or “Highly Confidential” by
12 the producing party (“designating party”) pursuant to the Protective Order entered at ECF No. 306.
13 Absent further action as required by this Order to Show Cause, the protected material will enter
14 the public record if used at the Sears/Kmart trial.

15 Within two (2) weeks of the service of this Order, any designating party wishing that its
16 protected material (as identified in the pretrial disclosures referenced in the above paragraph)
17 remain under seal during the Sears/Kmart trial shall file an administrative motion and declaration
18 establishing that the material at issue is sealable pursuant to Local Rules 7-11 and 79-5 and the
19 Court’s Standing Order Governing Administrative Motions to File Materials Under Seal. Any
20 declarations submitted pursuant to this Order by designating parties must be based on the
21 declarant’s personal knowledge and make a particularized showing as to why each exhibit,
22 deposition designation, discovery designation, or other material is sealable, notwithstanding the
23 strong presumption is favor of a public trial. For purposes of this Order, designating parties shall
24 assume that, as to any witness listed on either Plaintiffs’ or LGE’s witness list, the entirety of the
25 witness’s deposition transcripts from MDL No. 1917 will enter the public record.

26 Within two (2) days of the entry of this Order, Plaintiffs and LGE shall serve this Order on
27 any non-party to MDL No. 1917 whose protected material is included in that party’s list of pretrial
28 disclosures.

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1 By December 5, 2016, Plaintiffs and LGE will serve their updated pretrial disclosures and
2 this Order on any designating party whose protected material is implicated by that party's pretrial
3 disclosures. Within four (4) days of service of the updated pretrial disclosures, any designating
4 party wishing that its protected material (as identified in the updated pretrial disclosures, to the
5 extent not previously identified in Plaintiffs' or LGE's prior service of pretrial disclosures) remain
6 under seal during the Sears/Kmart trial shall file an administrative motion and declaration
7 establishing that the material is sealable pursuant to Local Rules 7-11 and 79-5 and the Court's
8 Standing Order Governing Administrative Motions to File Materials Under Seal. The Court will
9 only consider declarations seeking to seal materials listed on the updated pretrial disclosures if
10 those materials were not initially listed on Plaintiffs' or LGE's disclosures filed with the Court two
11 days after the entry of this Order.

12
13 **IT IS SO ORDERED.**

14
15
16 Dated: _____

Hon. Jon S. Tigar
United States District Judge